

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

CAROL McKENNEY,)	CAUSE NO. 1:20-cv-01268
)	
Plaintiff,)	
)	
v.)	
)	
SAM’S EAST, INC. d/b/a “Sam’s Club”, and)	
WAL-MART STORES EAST, INC.,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Thomas L. Davis, counsel for defendants Sam’s East, Inc. d/b/a “Sam’s Club” and named defendant Wal-Mart Stores East, Inc., states:

1. On March 25, 2020, plaintiff filed her Complaint for Damages against defendants Sam’s East, Inc. d/b/a “Sam’s Club” and Wal-Mart Stores East, Inc. in the Marion County Superior Court of Indiana, under Cause No. 49D12-2003-CT-012405.

2. Sam’s East, Inc., an Arkansas corporation with its principal place of business in Arkansas is a wholly-owned subsidiary of Walmart, Inc. Walmart, Inc. is a publicly traded company on the New York Stock Exchange and traded under the symbol WMT, a Delaware corporation with its principal of business in Arkansas. No publicly traded entity owns more than 10% of the company.

3. Wal-Mart Stores East, Inc. is an improperly named defendant and not a legal entity.

4. Walmart, Inc., a Delaware corporation, is a publicly traded company on the New York Stock Exchange and traded under the symbol WMT. The principal place of business for

Walmart, Inc. is Bentonville, Arkansas. No publicly traded entity owns more than 10% of the company.

5. Plaintiff is a citizen of the state of Indiana.

6. The matter in controversy exceeds \$75,000.00, exclusive of interests and costs; this action does not arise under the Workmen's Compensation laws of any state; is not brought against a common carrier or its receivers or trustees; does not arise under 45 U.S.C. §§ 51-60; and, therefore, this cause is removable to this Court under 28 U.S.C. § 1441(b).

7. This Notice of Removal is being filed with this Court within 30 days after the receipt of the Complaint and Summons by the defendants.

8. Copies of all process, pleadings, and orders served upon petitioner in the state court action are attached hereto. Promptly hereafter, written notice will be given to all adverse parties and to the Clerk of the Marion County Superior Court of Indiana, that this Petition for Removal is being filed with this Court.

WHEREFORE, defendants pray that the entire state court action, under Cause No. 49D12-2003-CT-012405, now pending in the Marion Superior Court of Indiana, be removed to this Court for all further proceedings.

FROST BROWN TODD LLC

By: /s/Thomas L. Davis
Thomas L. Davis, #4423-49
Attorneys for Defendants

CERTIFICATE OF SERVICE

Service of the foregoing was made by placing a copy of the same into the United States

Mail, first class postage prepaid, this 29th day of April, 2020, addressed to:

Ian W. Thompson
608 East Market Street
Indianapolis, IN 46202
Email: ianthompson1979@att.net

/s/Thomas L. Davis

Thomas L. Davis

FROST BROWN TODD LLC
201 North Illinois Street, Suite 1900
P. O. Box 44961
Indianapolis, IN 46244-0961
317-237-3800
Fax: 317-237-3900
tdavis@fbtlaw.com

LR08000.0731560 4839-1276-7930v1